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COMMISSION ON NARCOTIC DRUGS ACTING AS
PREPARATORY BODY FOR THE SPECIAL SESSION
OF THE GENERAL ASSEMBLY DEVOTED TO THE
FIGHT AGAINST THE ILLICIT PRODUCTION,
SALE, DEMAND, TRAFFIC AND DISTRIBUTION
OF NARCOTIC DRUGS AND PSYCHOTROPIC
SUBSTANCES AND RELATED ACTIVITIES
Second session
Vienna, 16-20 March 1998

ACTION PLAN AGAINST MANUFACTURE, TRAFFICKING AND ABUSE OF AMPHETAMINE-TYPE STIMULANTS AND THEIR PRECURSORS

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V.97-27911 (E)

I. RAISING AWARENESS OF THE PROBLEM OF AMPHETAMINE-TYPE STIMULANTS

Problem

1. The problem of amphetamine-type stimulants (ATS), though relatively new, is growing quickly and is unlikely to go away on its own. It is rapidly changing in scope and geographical spread. Yet global awareness of it is limited and responses to it are heterogeneous and inconsistent.

Action

2. The subject of ATS should be given higher priority and become a regular item on the agenda of the Commission on Narcotic Drugs.

3. International and regional bodies should continue advocating implementation of the extensive framework of international treaties, as well as resolutions or decisions addressing various aspects of the ATS problem adopted by the Economic and Social Council, the Commission on Narcotic Drugs and the International Narcotics Control Board.

4. International bodies such as the United Nations International Drug Control Programme (UNDCP), the International Narcotics Control Board and the World Health Organization (WHO) should continue their work on technical scientific dimensions of the ATS problem and disseminate the results in regular publications for States and the general public.

5. States should give the issue the priority and attention it deserves and implement the global framework noted above.

6. States should disseminate information on actions taken in fulfilment of the present Action Plan and report them to the Commission on Narcotic Drugs, which, in turn, should review and appraise implementation of the Action Plan at the national, regional and international levels.

II. REDUCING DEMAND FOR ILLICIT AMPHETAMINE-TYPE STIMULANTS

Problem

7. ATS abuse is increasingly concentrated among younger segments of the population, among whom the substances are widely believed to be safe and benign. In many countries, abuse of ATS is threatening to become a part of mainstream consumer culture.

Action

8. International bodies such as UNDCP and WHO should, on a regular basis: (a) collate current information on the health effects of ATS and their by-products; (b) study the social, economic and cultural driving forces of demand for ATS; (c) identify, document and disseminate good practices in the prevention and treatment of ATS abuse, as well as the prescription of licit ATS; and (d) coordinate work with non-governmental organizations in these areas.

9. States should: (a) continuously monitor changing ATS abuse patterns; (b) investigate social, economic, health and cultural dimensions of ATS abuse; (c) give priority to research, where capacity is available, on the

long-term health effects of ATS abuse; and (d) use the results of these activities, including the information collated by the international bodies, for targeted prevention and treatment efforts as well as public awareness campaigns.

III. PROVIDING ACCURATE INFORMATION ON AMPHETAMINE-TYPE STIMULANTS

Problem

10. Traditionally limited to the ambit of underground literature, information on illicit ATS has now become accessible to a large population through modern technology. Recipes for clandestine ATS manufacture, techniques of ATS abuse, images of ATS as harmless drugs and methods of evading existing controls are all widely available. This malign influence should be countered by a positive use of information technology such as the Internet for educational and training purposes.

Action

11. Consultations should be initiated, at the national, regional and international levels, as appropriate, with representatives of the telecommunication and software industries to promote and encourage: (a) self-restraint on matters such as the provision of dangerous drug-related information; and (b) software packages, particularly for young people, demonstrating the dangers of ATS abuse, and encouraging healthy lifestyles.

12. States, in accordance with their constitutional and legal systems, should: (a) monitor the Internet to determine violations of national laws and regulations; (b) establish open complaint mechanisms as part of the monitoring system; and (c) negotiate with service providers and with the telecommunication industry to develop and implement mechanisms to remove offensive drug information from the Internet.

13. International bodies such as UNDCP, the United Nations Educational, Scientific and Cultural Organization (UNESCO), WHO, the International Criminal Police Organization (Interpol) and the Customs Co-operation Council (also called the World Customs Organization), as well as appropriate regional and national organizations, should participate in a worldwide clearing-house system (i.e. the electronic linking, through the Internet, of national, regional and international documentation centres on substance abuse) to disseminate accurate and timely information on various aspects of the ATS problem, as well as use the Internet for distance learning purposes, with particular emphasis on assistance to developing countries.

14. States should: (a) use modern information technology to disseminate information on adverse health, social and economic consequences of ATS abuse; and (b) encourage methodological development, standardized terminology and coordinated data collection on ATS through, *inter alia*, participation in the international clearing-house system.

15. States should also take appropriate action to fully implement the provisions of the Convention on Psychotropic Substances of 1971, article 10 (on prohibiting the advertisement of controlled substances to the general public),[1] and of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, article 3 (on publicly inciting illicit activities related to drugs).[2]

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[1]United Nations, *Treaty Series*, vol. 1019, No. 14956.

[2]*Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988*, vol. I (United Nations publication, Sales No. E.94.XI.5).

IV. LIMITING THE SUPPLY OF AMPHETAMINE-TYPE STIMULANTS

Problem

16. For ATS, the principal supply control strategies are to target trafficking, stop illicit manufacture and prevent diversion of the chemical starting materials (i.e. the precursors). The latter is particularly important because it is the precursors rather than the ATS end-products which are trafficked interregionally. The precursors, however, have a wide range of licit industrial uses and form a part of licit international trade. Effective monitoring can only be successful, therefore, if the voluntary cooperation of industry is secured. Such cooperation is also crucial in preventing diversions of ATS from licit sources.

Action

17. On the basis of the existing framework for precursor control provided by article 12 of the 1988 Convention, related Economic and Social Council resolutions and recommendations of the International Narcotics Control Board, the competent authorities at the international, regional and national levels should take the following actions specific to precursors for ATS: (a) enhanced implementation of the control measures against the diversion of ATS precursors listed under the 1988 Convention, including greater use of pre-export notifications and improved procedures for information exchange at the national and international levels; (b) improved monitoring of non-scheduled substances that have been identified as frequently used in illicit ATS manufacture, including voluntary cooperation between authorities and the relevant branches of industry in order to help identify suspicious transactions; (c) the establishment of an international special surveillance list of substances referred to in subparagraph (b) above as part of a general early warning system; (d) consideration of the possibility of punishing, as a criminal offence in the sense of article 3 of the 1988 Convention, the diversion of non-scheduled chemical substances with the knowledge that they are intended for use in the illicit manufacture of ATS; and (e) exchanges of information between all the agencies concerned, including in investigations concerning such non-scheduled substances to detect and prevent illicit trafficking.

18. In order to target clandestine manufacture of ATS, international, regional and national authorities should also: (a) monitor clandestine manufacturing methods; (b) develop drug signature analysis and profiling; (c) monitor sales of laboratory equipment, in compliance with article 13 of the 1988 Convention; and (d) train all enforcement and control personnel involved in the technical complexities of ATS.

V. STRENGTHENING THE CONTROL SYSTEM FOR AMPHETAMINE-TYPE STIMULANTS AND THEIR PRECURSORS

Problem

19. When applied to clandestinely manufactured ATS, the international drug control system reveals several shortcomings, *inter alia*: the cumbersome procedure for scheduling psychotropic substances, the relative novelty of the precursor control regime and the different procedures for changing the scope of control in the international drug control conventions. Effectively counteracting or preventing emergency situations, which may differ from region to region, requires a control system that is fast, flexible, easy to adapt to new situations and both technically and conceptually commensurate with the ever-greater complexity of the evolving ATS problem.

Action

20. Concerning the wide area of regulatory control, international and regional organizations as well as States should, as appropriate:

(a) Improve the technical basis of control, particularly with regard to increasing the flexibility of the process of scheduling. This would involve consideration of one of the following models used in different countries: (i) emergency or simplified scheduling processes; (ii) scheduling based on structurally similar groups (analogues); and (iii) control for purposes of criminal prosecution, based on similarities in chemical structure and known or anticipated pharmacological effects;

(b) Consider mandatory application of Council resolutions and recommendations of the Board, aimed at strengthening the control of psychotropic substances under the 1971 Convention;

(c) Introduce, in compliance with article 22 of the 1971 Convention and article 3 of the 1988 Convention, appropriate sanctions and penalties for illicit manufacture of, trafficking in and abuse of ATS, including civil fines and administrative penalties;

(d) Rapidly identify and assess new ATS found on illicit markets; States may then wish to use such assessments to determine whether they should bring such substances under control so that legal action can be taken against illicit manufacture and trafficking;

(e) Improve data collection and exchange of information on issues such as size of clandestine laboratories detected, manufacturing methods, precursors used, purities, prices, sources of ATS and their precursors, and epidemiological information;

(f) Strengthen regional cooperation, *inter alia*, through the following: multilateral exchanges between States of information about the adoption of amendments of national laws relating to the control of ATS; regional arrangements for monitoring new developments in the clandestine manufacture of and trafficking in ATS; establishment of rapid channels of communication; and assistance to States with limited expertise in dealing with the complex technical problems posed by ATS.

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SUBSTANCES AND RELATED ACTIVITIES
Second session
Vienna, 16-20 March 1998

CONTROL OF PRECURSORS

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PROPOSED DRAFT RESOLUTION

The General Assembly,

Recognizing the fact that, in recent years, the diversion of precursors[1] has become one of the most serious phenomena in the field of illicit drug manufacture,

Noting that the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol,[2] the Convention on Psychotropic Substances of 1971[3] and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988[4] provide the international basis for drug and precursor control,

Reaffirming the importance of preventing the diversion of chemicals from legitimate commerce to illicit drug manufacture as an essential component of a comprehensive strategy against drug abuse and trafficking,

Recognizing that combating this phenomenon calls for the adoption and effective application of strict and modern laws that make it possible to prevent and penalize such criminal conduct, as well as for the establishment of efficient and fully trained investigatory bodies and organs of justice that possess the human and material resources required to deal with the problem,

Noting the special problem posed by synthetic drugs, which can be manufactured illicitly in a variety of forms using chemicals, many of which can be easily substituted,

Noting also the progress made in developing practical guidelines for the implementation of the international drug control conventions, in particular the International Narcotics Control Board *Guidelines for Use by National Authorities in Preventing the Diversion of Precursors and Essential Chemicals*, and the annex entitled "Summary of the recommendations of the International Narcotics Control Board relevant to implementation by Governments of article 12 of the 1988 Convention", which appears annually in the report of the INCB on the implementation of article 12 of the 1988 Convention,

Conscious of the progress made in controlling shipments of precursors as a result of cooperation between the competent national authorities in a number of States, and of the important work conducted by the International Narcotics Control Board,

Conscious also of the fact that many States lack sufficient resources to conduct in-depth investigations that would enable them to determine the legitimacy of transactions,

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[1]The term "precursor" is used to indicate any of the substances listed in Table I or II of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, except where the context requires a different expression. Such substances are often described as precursors or essential chemicals, depending on their principal chemical properties. The plenipotentiary conference that adopted the 1988 Convention did not use any one term to describe such substances. Instead, the expression "substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances" was introduced in the 1988 Convention. It has become common practice, however, to refer to all such substances simply as "precursors"; although that term is not technically correct, it is used in this text for the sake of brevity.

[2]United Nations, *Treaty Series*, vol. 976, No. 14152.

[3]Ibid., vol. 1019, No. 14956.

[4]*Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988*, vol. I (United Nations publication, Sales No. E.94.XI.5).

Considering that experience in precursor control demonstrates that multilateral exchange of information between competent national authorities of all States concerned, as well as the international organizations concerned, supplemented by bilateral and regional agreements for information sharing where necessary, is essential to preventing the diversion of precursors,

Deeply concerned that drug traffickers continue to have access to the precursors required for the illicit manufacture of drugs, including substances listed in Tables I and II of the 1988 Convention, as well as other substances that are used as substitutes,

Considering that measures against the diversion of precursors can only be effective through concerted worldwide action and international cooperation guided by common principles and objectives,

Decides to adopt the measures to prevent the illicit manufacture, import, export, trafficking, distribution and diversion from licit channels to the illicit traffic of precursors used in the illicit manufacture of narcotic drugs and psychotropic substances, including substitute chemicals, as well as additional measures to enhance international cooperation in precursor control, which are presented below.

I. MEASURES TO PREVENT THE ILLICIT MANUFACTURE, IMPORT, EXPORT, TRAFFICKING AND DISTRIBUTION OF PRECURSORS USED IN THE ILLICIT MANUFACTURE OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

A. Legislation and national control systems

Problem

1. The necessary actions to be taken by States to prevent diversion, and the success of those actions in identifying attempted diversions and stopping shipments, are only possible if States have established an adequate legislative basis or system of control that allows them to effectively monitor the movement of precursors. Further, mechanisms and procedures must be established for effective implementation of the legislation in place.

2. In order to establish effective systems of control, States need to identify competent national authorities and their specific roles and to share that information with other States. They also need to share details of the actual control measures applied.

3. Many States have not yet taken those necessary steps.

Action

4. States should:

(a) Adopt and implement, where they have not already done so, the necessary national laws and regulations required for strict compliance with the provisions and proposals of article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, and related resolutions of the Commission on Narcotic Drugs and the Economic and Social Council, including, in particular, the establishment of a system of control and licensing of the enterprises and persons engaged in the manufacture and distribution of substances listed in Tables I and II of the 1988 Convention and a system for monitoring the international trade in such substances for the purpose of facilitating the detection of suspicious shipments, and designate competent national authorities responsible for implementing such controls;

(b) Review regularly, and take appropriate steps to strengthen existing precursor controls should any weaknesses be identified, giving full consideration to the related recommendations of the International Narcotics Control Board as contained in the annual reports of the Board on the implementation of article 12 of the 1988 Convention;

(c) Adopt penal, civil or administrative measures for punishing, in accordance with their legislative provisions, as a criminal offence in the sense of article 3 of the 1988 Convention, the unlawful conduct of individuals or companies in connection with the diversion of precursors from legitimate commerce into the illicit drug manufacture;

(d) Exchange experience on procedures for the adoption of legislation and on the application of measures for combating and punishing illicit traffic in, and diversion of, precursors, including the use, where appropriate, of controlled deliveries;

(e) Submit timely reports to the International Narcotics Control Board on national regulations adopted to control the export, import and transit of precursors, including details of the requirements that have to be met for the authorization of imports and exports;

(f) Adopt the necessary measures to ensure that the disposal of seized chemicals has no harmful effect on the environment.

B. Information exchange

Problem

5. Rapid and timely information exchange between importing and exporting States is the key to effective precursor control, allowing States to verify the legitimacy of individual transactions and identify suspicious shipments in order to prevent the diversion of precursors. Many States have not yet established systematic mechanisms to ensure such rapid communication exchange, including timely feedback, with other competent national authorities, and with the International Narcotics Control Board, even on a confidential basis.

6. Similarly, traffickers quickly turn to sources in other States when they are denied the chemicals that they require. Experience has confirmed the importance of immediately sharing information on diversion attempts and suspicious transactions or stopped shipments with other States, and with the International Narcotics Control Board, in order to counter such attempts elsewhere.

Action

7. States should:

(a) Improve their mechanisms and procedures for monitoring trade in precursors, including the following actions:

(i) Regular exchange of information between exporting, importing and transit States, and with the International Narcotics Control Board, on exports of precursors before they take place, including, in particular, the provision by exporting States of some form of pre-export notification to the competent authorities in importing countries for all transactions involving the substances listed in Tables I and II of the 1988 Convention;

(ii) Promotion of the implementation, by competent national authorities, of mechanisms to verify the legitimacy of commercial transactions before they take place, including timely feedback to exporting States by States that have received pre-export notifications;

(iii) Exchange of information between exporting, importing and transit States, and with the International Narcotics Control Board, on the licit uses made of imported precursors;

(iv) Exchange of information between exporting, importing and transit States, and with the International Narcotics Control Board, on suspicious transactions involving precursors and, where appropriate, on seizures effected and denials made;

(b) Keep confidential any industrial, business, commercial or professional secrets or trade processes contained in the reports provided by States on the export, import or transit and intended use of precursors, in accordance with the provisions of article 12, paragraph 11, of the 1988 Convention;

(c) Notify, as rapidly as possible, the International Narcotics Control Board, and the other States concerned as they consider necessary, of any decision to deny a permit for the shipment of a precursor if it has not been possible to verify the legitimacy of a transaction, whether an import, export or trans-shipment, providing all relevant information for the reasons for the denial, so that other States may consider taking a similar course of action. Whenever an importing, exporting, or transit State is considering issuing a permit for shipment, it shall take into account any such information provided to it by the State that has denied the issue of a permit for that shipment.

C. Data collection

Problem

8. Information on the normal patterns of legitimate trade and on the licit uses of, and requirements for, precursors is necessary to verify the legitimacy of individual transactions. Without such information, it is difficult to monitor the movement of precursors as required under article 12 of the 1988 Convention. Many States are not yet able to collect data on the licit movement of precursors. The inability to do so may indicate that the framework and systems for adequate control are not in place, and that competencies in the field of precursor control have not been clearly defined.

Action

9. States should:

(a) Design and establish flexible and effective mechanisms, where they do not already exist, in conformity with requirements for confidentiality and data protection, for obtaining data on the licit production, import or export of precursors, and on any other activity related to the trade in precursors and for monitoring the movement of such substances, including the establishment of a register of public or private companies engaged in any activity relating thereto, which are to report suspicious orders for, or cases of theft of, precursors and to cooperate at all times with the competent national authorities;

(b) Establish or strengthen cooperation with associations of the chemical trade and industry, and with persons or companies engaged in any activity related to precursors, for example, through the establishment of guidelines or a code of conduct, to intensify efforts aimed at controlling such substances.

II. TOWARDS MORE UNIVERSAL INTERNATIONAL COOPERATION IN PRECURSOR CONTROL

Problem

10. Achievements in preventing the diversion of precursors have been due to the activities of a growing, but still relatively small, number of governments of exporting, importing and transit States and territories worldwide.

11. Those States have taken specific steps to monitor the movement of precursors through their territories, even when they do not have comprehensive legislation for precursor control in place. However, many States have not yet developed adequate systems for precursor control, in spite of the fact that traffickers have exploited as points of diversion those countries and territories where controls are inadequate. Controls do not serve their purpose if all States facing similar situations with regard to the trafficking of precursors do not take similar practical steps to ensure that diversion attempts are identified or do not share their experiences in implementing controls. More uniform action is required by all States to limit the availability to traffickers of the precursors required for illicit drug manufacture.

Action

12. States should:

(a) Institutionalize uniform procedures to facilitate the widespread, multilateral exchange of information on suspicious transactions and stopped shipments in the course of implementing national precursor control laws and regulations based on the international drug control conventions and related resolutions, guidelines and recommendations in such a way as to complement bilateral or regional agreements;

(b) Promote multilateral arrangements that encourage the exchange of essential information for effective monitoring of the international trade in precursors, to complement similar bilateral or regional agreements, with special emphasis on devising practical systems for sharing information on individual transactions. Those arrangements could be informal or, where required by national legislation, could also include formal arrangements or agreements;

(c) Disseminate more systematic information on the ways and means used by criminal organizations for illicit trafficking in, and diversion of, precursors, with a view to adopting measures to prevent such illicit activities, in accordance with article 12, paragraph 12 (c), of the 1988 Convention;

(d) Promote technical assistance programmes for States upon request, according the highest priority to those with the least resources, for the purpose of strengthening control of precursors and avoiding their diversion for illicit purposes;

(e) Promote the exchange of experience relating to police and administrative investigation, interception, detection, control and diversion of precursors;

(f) Organize expert meetings on combating the illicit traffic in, and diversion of, precursors, in order to promote professional skills and raise levels of expertise.

III. SUBSTITUTE CHEMICALS

Problem

13. Some of the substances required for illicit drug manufacture that are listed in Tables I and II of the 1988 Convention have become especially difficult to obtain as a result of the implementation of the provisions of that Convention. Traffickers have successfully sought to obtain chemicals that may be used as substitutes for those that are more closely monitored. In addition, they have identified and used new methods for processing or manufacture, requiring substances currently not listed in Tables I and II of the 1988 Convention. They have also manufactured so-called controlled drug analogues, many of which again require as starting material substances currently not listed in Tables I and II.

Action

14. States should:

(a) Cooperate with the International Narcotics Control Board in the preparation of a limited international special surveillance list of substances currently not in Tables I and II of the 1988 Convention and for which substantial information exists of their use in illicit drug trafficking, as requested by the Economic and Social Council in its resolution 1996/29, section I, of 24 July 1996, contributing to the maintenance of that list by informing the Board on a regular basis, in accordance with article 12, paragraph 12, of non-scheduled substances that have been diverted from licit channels to illicit traffic and promoting studies of the potential use of non-scheduled substances with a view to the timely identification of any that could be used in the illicit manufacture of drugs;

(b) Apply monitoring measures, either mandatorily or voluntarily in cooperation with the chemical industry, so as to prevent the diversion from licit channels to the illicit traffic of substances included on the special surveillance list. In addition, the introduction of penal, civil and administrative sanctions may be considered by States according to their domestic legal system.

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MEASURES TO PROMOTE JUDICIAL COOPERATION

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I. EXTRADITION

1. It is recommended that States should:

(a) If needed and so far as possible on a periodic basis, review their domestic legislation to simplify procedures for extradition, consistent with their constitutional principles and the basic concepts of their legal systems;

(b) Inform other States of the competent authority or authorities designated to receive, respond to and process extradition requests; in that regard, communicating the name, address and telephone number of the authority or authorities to the United Nations International Drug Control Programme, would be useful;

(c) Prepare summaries of their domestic extradition practices, to be made available to other States;

(d) Subject to constitutional provisions, international drug control treaties and national legislation, consider extraditing their nationals for serious drug offences on agreement that they will be surrendered for prosecution but that they could be returned to serve any sentences imposed in their State of nationality; and reconsider the other traditional exceptions to extradition, particularly in cases involving serious crimes;

(e) Utilize, where appropriate, as a resource the Model Treaty on Extradition when negotiating such treaties;

(f) Maximize the use of modern technologies for facilitating communications, as long as they are secure and consistent with domestic legal systems.

II. MUTUAL LEGAL ASSISTANCE

2. It is recommended that States should:

(a) Ensure that their domestic legislation is sufficient to enable them to fully implement article 7 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;

(b) Designate an authority or authorities with the power both to make and to execute, or to transmit for execution, requests for mutual legal assistance; and, pursuant to the provisions of article 7, paragraphs 8 and 9 of the 1988 Convention, notify the Secretary-General of the name and address of the authority or authorities designated to receive such requests, as well as the language or languages acceptable;

(c) Provide other States with guides or manuals on how to make requests for mutual legal assistance;

(d) Develop model forms for requests for mutual legal assistance;

(e) Utilize, where appropriate, as a resource the Model Treaty on Mutual Assistance in Criminal Matters when negotiating such treaties;

(f) Explore more rapid, yet reliable and verifiable, means of communication to expedite and render more effective investigations of transnational crime.

III. TRANSFER OF PROCEEDINGS

3. It is recommended that States should:

(a) Make available information on their experiences in the transfer of proceedings, if they possess such experiences, to other interested States;

(b) Upon dissemination of the information referred to in paragraph 3 (a) above, consider enacting the legislation necessary to transfer or receive proceedings in criminal matters;

(c) Consider whether it would be useful to enter into agreements with other States that have similar legal systems to transfer or receive proceedings in criminal matters, particularly with those States that do not extradite their own nationals; and, in that connection, refer to the Model Treaty on the Transfer of Proceedings in Criminal Matters as a basis for negotiations.

IV. OTHER FORMS OF COOPERATION AND TRAINING

4. It is recommended that States should:

(a) Consider developing or expanding programmes for the exchange of law enforcement personnel, giving special consideration to exchanging experts who can assist in such areas as forensic evidence or financial investigations or who can provide specialized insight into the nature of particular drug trafficking organizations that are operating in both the sending State and the receiving State;

(b) Where appropriate, consider methods of improving the sharing of intelligence and the development of shared investigative strategies to combat drug trafficking organizations operating in several States; ensure that investigative activities in one State complement those undertaken in other States; and be ready to work together on specific projects;

(c) Exchange information developed through forensic analysis, particularly on the basis of scientific profiles of seized drugs and precursors and the examination of packaging materials;

(d) Consider developing secure means of using modern communication capabilities to facilitate the fast exchange of information consistent with domestic legal systems;

(e) Consider establishing specialized units within or linked to law enforcement agencies, for investigating drug trafficking cases, encouraging close coordination between all relevant agencies, such as customs, coastguard and police departments, and ensuring that training is provided;

(f) Consider measures to reinforce cooperation between the criminal justice, health and social systems in order to reduce drug abuse and related health problems;

(g) Strengthen cooperation not only among enforcement agencies, but also among judicial authorities.

V. CONTROLLED DELIVERY

5. It is recommended that States should:

(a) If permitted by the basic principles of their respective domestic legal systems, consider whether it is desirable to have their legislation, procedures and practices allow for the use of the technique of controlled delivery both at the domestic and at the international level, subject to agreements, arrangements and understandings between States;

(b) Consider entering into agreements and arrangements with other States, particularly neighbouring States, to facilitate the use of controlled deliveries; or consider that possibility on a case-by-case basis;

(c) Assist one another through the exchange of experiences and equipment; and, if they have developed technical equipment for tracking consignments of illicit drugs or have developed innocuous substances that can be substituted for illicit drugs, consider supplying the equipment or substances to other States to ensure successful controlled deliveries.

VI. ILLICIT TRAFFIC BY SEA

6. It is recommended that States should:

(a) Review national legislation to ensure that the legal requirements of the 1988 Convention are met, for example the identification of competent national authorities, the maintenance of ship registries and the establishment of adequate law enforcement powers;

(b) Review communication channels and procedures between competent authorities to facilitate coordination and cooperation with the objective of ensuring rapid responses and decisions;

(c) Promote regional cooperation in maritime drug law enforcement by means of bilateral and regional meetings;

(d) Negotiate and implement bilateral and multilateral agreements to enhance cooperation in combating the illicit drug traffic by sea;

(e) Provide training to law enforcement personnel in maritime drug law enforcement, including the identification and surveillance of suspicious vessels, procedures for boarding, searching techniques and drug identification;

(f) Cooperate with other States through multilateral training seminars;

(g) Promote common maritime law enforcement procedures through the use, where appropriate, of the maritime drug law enforcement training guide of the United Nations International Drug Control Programme.

VII. COMPLEMENTARY MEASURES

7. It is recommended that States should consider designing complementary measures to further enhance the implementation of the 1988 Convention in the following areas, reconciling respect for individual human rights with the basic principles of justice and security:

(a) The protection of judges, prosecutors and witnesses in cases that involve illicit drug trafficking;

(b) New investigative techniques;

(c) The harmonization and simplification of procedures to increase international cooperation;

(d) The development or strengthening of legal institutions and their capacity for judicial cooperation, especially in respect of drug-related offences;

(e) The improvement of the professionalism of criminal justice personnel through enhanced technical cooperation, training and human resource development.

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COMMISSION ON NARCOTIC DRUGS ACTING AS PREPARATORY BODY FOR THE SPECIAL SESSION OF THE GENERAL ASSEMBLY DEVOTED TO THE FIGHT AGAINST THE ILLICIT PRODUCTION, SALE, DEMAND, TRAFFIC AND DISTRIBUTION OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES AND RELATED ACTIVITIES
Second session
Vienna, 16-20 March 1998

COUNTERING MONEY-LAUNDERING

Combined draft text approved at the second informal open-ended inter-sessional meeting of the Commission on Narcotic Drugs acting as preparatory body for the special session of the General Assembly on international drug control

The General Assembly,

Recognizing that the problem of laundering of money derived from illicit trafficking in narcotic drugs and psychotropic substances, as well as from other serious crimes, has expanded internationally to become such a global threat to the integrity, reliability and stability of financial and trade systems and even government structures as to require countermeasures by the international community as a whole in order to deny safe havens to criminals and their illicit proceeds,

Recalling the provisions of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, according to which all parties to the Convention are required to establish money-laundering as a punishable offence and to adopt the measures necessary to enable the authorities to identify, trace and freeze or seize the proceeds of illicit drug trafficking,

Recalling Commission on Narcotic Drugs resolution 5 (XXXIX) of 24 April 1996, in which the Commission noted that the forty recommendations of the Financial Action Task Force established by the heads of State or Governments of the Group of Seven major industrialized countries and the President of the European Commission remained the standard by which the measures against money-laundering adopted by concerned States should be judged, as well as Economic and Social Council resolution 1997/40 of 21 July 1997, in which the Council took note with satisfaction of the document entitled "Anti-drug strategy in the hemisphere", approved by the Inter-American Drug Abuse Control Commission of the Organization of

American States at its twentieth regular session, held at Buenos Aires in October 1996 and signed at Montevideo in December 1996, and urged the international community to take due account of the anti-drug strategy in the hemisphere as a significant contribution to the strengthening of the Global Programme of Action adopted by the General Assembly at its seventeenth special session,

Recognizing the political will expressed by the international community, especially as reflected in such initiatives as the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, adopted in 1990 by the Committee of Ministers of the Council of Europe, the Ministerial Communiqué of the Summit of the Americas Conference Concerning the Laundering of Proceeds and Instrumentalities of Crime, held at Buenos Aires in December 1995, and by such bodies as the Inter-American Drug Abuse Control Commission of the Organization of American States, the Asia/Pacific Group on Money Laundering, the Caribbean Financial Action Task Force, the Offshore Group of Banking Supervisors and the Commonwealth, all of which are well-recognized multilateral initiatives aimed at combating money-laundering and constitute legal or policy frameworks within which concerned States are defining and adopting measures against money-laundering,

Aware that the proceeds of illicit drug trafficking and other illicit activities, which are laundered through banks and other financial institutions, constitute an obstacle to the implementation of policies designed to liberalize financial markets in order to attract legitimate investment, in that they distort those markets,

Emphasizing that there is a need to harmonize national legislation with a view to ensuring appropriate coordination of policies for combating money-laundering, without prejudice to the action each State is undertaking within its own jurisdiction to combat this form of criminality,

Recognizing the need to promote and develop effective mechanisms for the pursuit, freezing, seizure and confiscation of property obtained through or derived from illicit activities, so as to avoid its use by criminals,

Recognizing that only through international cooperation and the establishment of bilateral and multilateral information networks such as the Egmont Group, which will enable States to exchange information between competent authorities, will it be possible to combat effectively the problem of money-laundering,

Emphasizing the enormous efforts of a number of States to draw up and apply domestic legislation that identifies the activity of money-laundering as a criminal offence,

Realizing the importance of progress being made by all States in conforming to the relevant recommendations and the need for States to participate actively in international and regional initiatives designed to promote and strengthen the implementation of effective measures against money-laundering,

1. *Strongly condemns* the laundering of money derived from illicit drug trafficking and other serious crimes, as well as the use of the financial systems of States for that purpose;

2. *Urges* all States to implement the provisions against money-laundering that are contained in the United Nations Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances of 1988 and the other relevant international instruments on money-laundering, in accordance with fundamental constitutional principles, by applying the following principles:

(a) Establishment of a legislative framework to criminalize the laundering of money derived from serious crimes in order to provide for the prevention, detection, investigation and prosecution of the crime of money-laundering through, *inter alia*:

(i) Identification, freezing, seizure and confiscation of the proceeds of crime;
(ii) International cooperation; and mutual legal assistance in cases involving money-laundering;
(iii) Inclusion of the crime of money-laundering in mutual legal assistance agreements for the purpose of ensuring judicial assistance in investigations, court cases or judicial proceedings relating to that crime;

(b) Establishment of an effective financial and regulatory regime to deny criminals and their illicit funds access to national and international financial systems, thus preserving the integrity of financial systems worldwide and ensuring compliance with laws and other regulations against money-laundering through:

(i) Customer identification and verification requirements applying the principle of "know your customer", in order to have available for competent authorities the necessary information on the identity of clients and the financial movements that they carry out;
(ii) Financial record-keeping;
(iii) Mandatory reporting of suspicious activity;
(iv) Removal of bank secrecy impediments to efforts directed at preventing, investigating and punishing money-laundering;
(v) Other relevant measures;

(c) Implementation of law enforcement measures to provide tools for, *inter alia*:

(i) Effective detection, investigation, prosecution and conviction of criminals engaging in money-laundering activity;
(ii) Extradition procedures;
(iii) Information-sharing mechanisms;

3. *Calls upon* the United Nations International Drug Control Programme and the Crime Prevention and Criminal Justice Division of the Secretariat to continue to work, within the framework of their global programme against money-laundering, with relevant multilateral and regional institutions, organizations or bodies engaged in activities against money-laundering and drug trafficking and with international financial institutions to give effect to the above principles by providing training, advice and technical assistance to States upon request and where appropriate.

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Second session
Vienna, 16-20 March 1998

DRAFT DECLARATION ON THE GUIDING PRINCIPLES OF DRUG DEMAND REDUCTION*

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*The term drug demand reduction is used to describe policies or programmes directed at reducing the consumer demand for narcotic drugs and psychotropic substances covered by the international drug control conventions (the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol, the Convention on Psychotropic Substances of 1971 and the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988). The distribution of these narcotic drugs and psychotropic substances is forbidden by law or limited to medical and pharmaceutical channels.

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I. THE CHALLENGE

1. All countries are affected by the devastating consequences of drug abuse and illicit trafficking: adverse effects on health; an upsurge in crime, violence and corruption; the draining of human, natural and financial resources that might otherwise be used for social and economic development; the destruction of individuals, families and communities; and the undermining of political, cultural, social and economic structures.

2. Drug abuse affects all sectors of society and countries at all levels of development. Therefore drug demand reduction policies and programmes should address all sectors of society.

3. A rapidly changing social and economic climate, coupled with increased availability and promotion of drugs and the demand for them, have contributed to the increasing magnitude of the global drug abuse problem. The complexity of the problem has been compounded by changing patterns of drug abuse, supply and distribution. There has been an increase in social and economic factors which make people, especially the young, more vulnerable and likely to engage in drug use and drug-related risk-taking behaviour.

4. Extensive efforts have been and continue to be made by Governments at all levels to suppress the illicit production, trafficking and distribution of drugs. The most effective approach towards the drug problem consists of a comprehensive, balanced and coordinated approach, encompassing supply control and demand reduction reinforcing each other, together with the appropriate application of the principle of shared responsibility. There is now a need to intensify our efforts in demand reduction and to provide adequate resources towards that end.

5. Programmes to reduce demand for drugs should be part of a comprehensive strategy to reduce demand for all substances of abuse. Such programmes should be integrated to promote cooperation between all concerned, should include a wide variety of appropriate interventions, should promote health and social well-being among individuals, families and communities and should reduce the adverse consequences of drug abuse for the individual and for society as a whole.

6. This Declaration is an important initiative of the United Nations Decade on Drug Abuse, covering the period 1991-2000. It responds to the need for an international instrument on the adoption of effective measures at the national, regional and international levels against the demand for illicit drugs. It builds and expands upon a number of related international conventions and recommendations which are itemized in the annex.

II. THE COMMITMENT

7. We, the Member States of the United Nations,

(a) Undertake that this Declaration on the Guiding Principles of Drug Demand Reduction shall direct our actions;

(b) Pledge a sustained political, social, health and educational commitment to investing in demand reduction programmes that will contribute towards reducing public health problems, improving individual health and well-being, promoting social and economic integration, reinforcing family systems and making communities safer;

(c) Agree to promote, in a balanced way, interregional and international cooperation in order to control supply and reduce demand;

(d) Adopt measures provided for in article 14, paragraph 4, of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, which states, *inter alia*, that parties should adopt "appropriate measures aimed at eliminating or reducing illicit demand for narcotic drugs and psychotropic substances" and may enter into bilateral or multilateral agreements or arrangements aimed at eliminating or reducing that demand.

III. GUIDING PRINCIPLES

8. The following principles shall guide the formulation of the demand reduction component of national and international drug control strategies, in accordance with the principles of the Charter of the United Nations and international law and, in particular, respect for the sovereignty and territorial integrity of States; human rights and fundamental freedoms and the principles of the Universal Declaration of Human Rights; and the principle of shared responsibility:

(a) There shall be a balanced approach between demand reduction and supply reduction, each reinforcing the other, in an integrated approach to solving the drug problem;

(b) Demand reduction policies shall:

(i) Aim at preventing the use of drugs and at reducing the adverse consequences of drug abuse;

(ii) Provide for and encourage active and coordinated participation of individuals at the community level, both generally and in situations of particular risk, by virtue of, for example, their geographical location, economic conditions or relatively large addict populations;

(iii) Be sensitive to both culture and gender;

(iv) Contribute to developing and sustaining supportive environments.

IV. CALL FOR ACTION

A. Assessing the problem

9. Demand reduction programmes should be based on a regular assessment of the nature and magnitude of drug use and abuse and drug-related problems in the population. This is imperative for the identification of any emerging trends. Assessments should be undertaken by States in a comprehensive, systematic and periodic manner, drawing on results of relevant studies, allowing for geographical considerations and using similar definitions, indicators and procedures to assess the drug situation. Demand reduction strategies should be built on knowledge acquired from research as well as lessons derived from past programmes. These strategies should take into account the scientific advances in the field, in accordance with the existing treaty obligations, subject to national legislation and the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control.

B. Tackling the problem

10. Demand reduction programmes should cover all areas of prevention, from discouraging initial use to reducing the negative health and social consequences of drug abuse. They should embrace information, education, public awareness, early intervention, counselling, treatment, rehabilitation, relapse prevention, aftercare and social reintegration. Early help and access to services should be offered to those in need.

C. Forging partnerships

11. A community-wide participatory and partnership approach is crucial to the accurate assessment of the problem, the identification of viable solutions and the formulation and implementation of appropriate policies and programmes. Collaboration among Governments, non-governmental organizations, parents, teachers, health professionals, youth and community organizations, employers' organizations, workers' organizations and the private sector is, therefore, essential. Such collaboration improves public awareness and enhances the capacity of communities to deal with the negative consequences of drug abuse. Public responsibility and awareness and community mobilization are of paramount importance to ensuring the sustainability of demand reduction strategies.

12. Demand reduction efforts should be integrated into broader social welfare and health promotion policies and preventive education programmes. It is necessary to secure and sustain an environment in which healthy choices become attractive and accessible. Efforts to reduce the demand for drugs should be part of a broader social policy approach that encourages multisectoral collaboration. Such efforts should be comprehensive, multifaceted, coordinated and integrated with social and public policies that influence the overall health and social and economic well-being of people.

D. Focusing on special needs

13. Demand reduction programmes should be designed to address the needs of the population in general, as well as those of specific population groups, paying special attention to youth. Programmes should be effective, relevant and accessible to those groups most at risk, taking into account differences in gender, culture and education.

14. In order to promote the social reintegration of drug-abusing offenders, where appropriate and consistent with the national laws and policies of Member States, Governments should consider providing, either as an alternative to conviction or punishment or in addition to punishment, that abusers of drugs should undergo measures of treatment, education, aftercare, rehabilitation and social reintegration. Member States should develop within the criminal justice system, where appropriate, capacities for assisting drug abusers with education, treatment and rehabilitation services. In this overall context, close cooperation between criminal justice, health and social systems is a necessity and should be encouraged.

E. Sending the right message

15. Information utilized in educational and prevention programmes should be clear, scientifically accurate and reliable, culturally valid, timely and, where possible, tested with a target population. Every attempt should be made to ensure credibility, avoid sensationalism, promote trust and enhance effectiveness. States should, in cooperation with the media, seek to raise public consciousness about the hazards of drug use and to promote preventive messages, countering the promotion of drug use in popular culture.

F. Building on experience

16. States should place appropriate emphasis on training policy makers, programme planners and practitioners in all aspects of the design, execution and evaluation of demand reduction strategies and programmes. Those strategies and programmes should be ongoing and should be aimed at meeting the needs of participants.

17. Demand reduction strategies and specific activities should be thoroughly evaluated to assess and improve their effectiveness. The evaluations should also be appropriate to the specific culture and programme involved. The results of these evaluations should be shared with all those interested.

Annex

SUPPLEMENTARY REFERENCE MATERIAL FOR GOVERNMENTS CONSIDERING NATIONAL DRUG CONTROL STRATEGIES

1. Under article 38 of the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol and under article 20 of the Convention on Psychotropic Substances of 1971, parties to those conventions are required to take all practicable measures for the prevention of abuse of narcotic drugs or psychotropic substances and "for the early identification, treatment, education, aftercare, rehabilitation and social reintegration of the persons involved". Article 14 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 states that parties "shall adopt appropriate measures aimed at eliminating or reducing illicit demand for narcotic drugs and psychotropic substances, with a view to reducing human suffering and eliminating financial incentives for illicit traffic".

2. Taking into account that the rise in global concern about the extent, nature and effects of drug abuse has created an opportunity and the will to intensify action, States reaffirm the validity and importance of the international agreements and declarations in the area of demand reduction that have been elaborated. The importance of demand reduction was confirmed by the International Conference on Drug Abuse and Illicit Trafficking, held at Vienna from 17 to 26 June 1987, which adopted the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control. The Comprehensive Multidisciplinary Outline sets out 14 targets in the field of demand reduction, as well as the types of activities needed to achieve them at the national, regional and international levels. The General Assembly, the Economic and Social Council and the Commission on Narcotic Drugs have all adopted resolutions endorsing the Comprehensive Multidisciplinary Outline and emphasizing the need to pay increasing attention to demand reduction. Moreover, at its seventeenth special session, on international cooperation against illicit production, supply, demand, trafficking and distribution of narcotic drugs and psychotropic substances, the General Assembly, in its resolution S/17-2 of 23 February 1990, adopted the Political Declaration and Global Programme of Action. The Global Programme of Action, in paragraphs 9-37, addresses issues related to the "prevention and reduction of drug abuse with a view to elimination of the illicit demand for narcotic drugs and psychotropic substances" and to the treatment, rehabilitation and social reintegration of drug abusers. Further attention was directed to demand reduction by the World Ministerial Summit to Reduce Demand for Drugs and to Combat the Cocaine Threat, held in London from 9 to 11 April 1990.

3. In addition, the Convention on the Rights of the Child, in its article 33, emphasizes the need to protect children from the abuse of narcotic drugs and psychotropic substances. A similar point is made in the World Programme of Action for Youth to the Year 2000 and Beyond, which, in paragraphs 77-78, includes proposals for involving youth organizations and young people in demand reduction activities. Also of significance is the code of practice on the management of alcohol- and drug-related issues in the workplace, adopted by a tripartite meeting of experts and subsequently endorsed by the Governing Body of the International Labour Organization at its 262nd session, in 1995. The principles of equality of opportunity and treatment contained in the International Labour Organization Convention concerning Discrimination in Respect of Employment and Occupation (No. III), 1958, are also directly relevant to demand reduction.